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THE MARKS LAW FIRM, P.C.

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April 10, 2020

**Via ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**RE: Himelda Mendez v. Benrubi Gallery LLC**  
Docket: 1:19-cv-8134-KPF


Dear Judge Failla,

Plaintiff respectfully request a temporary stay of the above referenced matter. Due to the ongoing health crisis caused by the COVID-19 pandemic, and the tumultuous economic effects it is causing to virtually all businesses open to the public (including possible complete closures), such as the business involved in this matter, Plaintiff's undersigned counsel hereby respectfully requests that the Court grant a sixty (60) day stay of all deadlines. This is the undersigned counsel's first request to stay this matter.

Thank you for your consideration of this unexpected, but essential, request.

Respectfully Submitted,

The Marks Law Firm, P.C.

By:   
Bradly G. Marks

Plaintiff's application to stay the case is DENIED. This case was filed on August 30, 2019. (Dkt. #1). Though it has been pending for more than seven months, Defendant has yet to appear. The Court has adjourned the initial pretrial conference three times, to allow Plaintiff additional time to confer with Defendant and seek a settlement. (Dkt. #8, 10, 12). In light of the amount of time this case has been pending with no progress made, the Court will not stay the case for 60 days. Plaintiff shall be given until June 9, 2020, to notify the Court if it has reached a settlement with Defendant. If no settlement is reached, Plaintiff is ORDERED to file papers seeking a default judgment against Defendant on or before June 9, 2020. Failure to comply with this Order may result in sanctions, including dismissal of the case for failure to prosecute.

The initial pretrial conference currently scheduled for April 14, 2020, is ADJOURNED *sine die*.

Dated: April 10, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE